

**CITY LONG BEACH
CITY COUNCIL AGENDA**

Bonnie Lowenthal, 1st District
Dan Baker, 2nd District
Frank Colonna, Vice Mayor, 3rd District
Dennis Carroll, 4th District

Gerald R. Miller, City Manager
Larry G. Herrera, City Clerk



Beverly O'Neill, Mayor

**TUESDAY, JULY 8, 2003
COUNCIL CHAMBER, 5:00 P.M.**

Jackie Kell, 5th District
Laura Richardson, 6th District
Tonia Reyes Uranga, 7th District
Rob Webb, 8th District
Val Lerch, 9th District

Robert E. Shannon, City Attorney

FINISHED AGENDA & DRAFT MINUTES

Call to Order: 5:13 P.M.

Roll Call - Councilmembers Present: Lowenthal, Baker, Carroll, Richardson,
Reyes Uranga, Webb, Lerch, Colonna.

Absent: Kell.

Also Present: Gerald R. Miller, City Manager
Reginald Harrison, Deputy City Manager
Robert E. Shannon, City Attorney
Larry G. Herrera, City Clerk
Sharon Stone, Chief Deputy City Clerk

Mayor Pro Tempore Colonna presiding.

Flag Salute

Invocation: Pastor Vincent Negron, Spanish Church of God

Pet Adoption Program Introduction

ACKNOWLEDGMENTS AND PRESENTATIONS

Presentation by San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy.

Presentation of Certificates of Recognition to Black Managers Association Scholarship recipients.

Presentation of Certificates of Recognition to Manuel E. "Manny" Perez Memorial Scholarship recipients.

Presentation to participants in 2003 Annual Afro-Academic, Cultural, Technological and Scientific Olympics.

Presentation of Certificate of Recognition to Marco Lara, Athlete of the Year.

Presentation of Certificate of Recognition to Michael Jeffers, Private First Class E-3, and participant in Operation Iraqi Freedom.

Ordinance No. C-7594 provides that hearings shall be set for 5:00 P.M. each Tuesday, and such hearings shall be held at the specified time for which they are set or as soon as practical regardless of the otherwise order of business of the City Council.

CONTINUED HEARINGS:

1. DEPARTMENT: PLANNING COMMISSION

SUBJECT: Appeal from decision of Planning Commission approval of a modification to a Special Use Permit (S-180-67) and Tract Map No. 23932 to convert a portion of the first and second floors of the Campbell Building in the Lafayette complex to eight live/work units at 140 Linden Avenue. (Report of the City Planning Commission) (District 2) (Doc. 3)

SUGGESTED ACTION:

Receive supporting documentation into the record and conclude the hearing.

Review and consider material contained in the Negative Declaration, sustain the decision of the Planning Commission and deny the appeal.

ACTION: (Received supporting documentation into the record; concluded the hearing; reviewed and considered material contained in the Negative Declaration; sustained the appeal; replaced condition of approval from the Planning Commission requiring the parking spaces with a condition that provides that the net proceeds from Redevelopment will be placed into a dedicated parking trust fund for the purpose of building the required additional 26 parking spaces; and made finding that the newly substituted mitigation measure would be equivalent to, or more effective, than was imposed in the Negative Declaration to satisfy the environmental concern.) (Baker/Lowenthal) (Unanimous) (Absent: Kell, Webb)

Speaker: Bill Guzik, in support of the Special Use Permit.

2. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Application of 2706 South Street, LLC, dba The Alibi, for a Permit for a Pool Hall With Three Pool Tables at an Existing Bar/Tavern/Lounge at 2706 South Street. (District 9)

SUGGESTED ACTION:

Receive supporting documentation into the record and conclude the public hearing.

Grant the permit, with or without conditions; or deny the permit.

ACTION: (Laid over until July 22, 2003, at 5:00 P.M.) (Lerch/Baker) (Unanimous) (Absent: Kell)

ACTION: (Continued temporary permit until July 22, 2003.) (Lerch/Baker) (Unanimous) (Absent: Kell)

Speaker: Richard Brizzendine, in support of the application.

HEARINGS:

3. DEPARTMENT: COMMUNITY DEVELOPMENT

SUBJECT: Disposition and Development Agreement with Joaquin M. Cruz, dba J.C. Express, for the sale of property at 2001-2011 West Cowles Street - West Long Beach Industrial Redevelopment Project Area. (Resolution approving the proposed Disposition and Development Agreement between the Redevelopment Agency of the City of Long Beach, California, and Joaquin M. Cruz, doing business as J. C. Express; finding that the consideration for the sale of certain real property in the West Long Beach Industrial Redevelopment Project is not less than fair market value in accordance with covenants and conditions governing such sale; and approving the sale of the property and the Disposition and Development Agreement.) (District 1) (Doc. 4)

SUGGESTED ACTION:

Receive supporting documentation into the record and conclude the hearing.

Approve Disposition and Development Agreement and adopt resolution.

Approve and authorize Executive Director to execute any and all documents necessary to implement the agreement.

ACTION: (As recommended.) **Adopted Resolution No. C-28201.** (Lowenthal/Baker)
(Motion carried with Webb and Lerch voting no.) (Absent: Kell)

Speakers: Tony Rivera, in support.

Ricardo Martinez, in support.

Joaquin Cruz, in support.

Jane Kelleher, in opposition.

Dan Berns, in opposition.

Laurie Angel, in opposition.

4. DEPARTMENT: COMMUNITY DEVELOPMENT

SUBJECT: Disposition and Development Agreement with H. Roberts Construction, Inc., a California Corporation, for the sale of property at 2151 West Gaylord Street - West Long Beach Industrial Redevelopment Project Area. (Resolution approving the proposed Disposition and Development Agreement between the Redevelopment Agency of the City of Long Beach, California, and Hugh Roberts Construction, Inc.; finding that the consideration for the sale of certain real property in the West Long Beach Industrial Redevelopment Project is not less than fair market value in accordance with covenants and conditions governing such sale; and approving the sale of the property and the Disposition and Development Agreement.) (District 1) (Doc. 5)

SUGGESTED ACTION:

Receive supporting documentation into the record and conclude the hearing.

Approve Disposition and Development Agreement and adopt Resolution.

Approve and authorize the Executive Director to execute any and all documents necessary to implement the agreement.

ACTION: (As recommended.) **Adopted Resolution No. C-28202.** (Lowenthal/Carroll)
(Unanimous) (Absent: Kell,Webb)

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM CITY CLERK

Opportunity given to first 10 citizens who have submitted speaker cards in writing to the City Clerk to address the City Council on non-agenda items. (Currently limited to three minutes unless extended by City Council.)

Speakers: Erik Slaven, spoke in regard to an asphalt-rubber cape street paving strategy.
(Doc. 6)

Harvey Cochran, announced various community events.

Eugene Whomes, reported on his home garden.

Thomas Murphy, spoke in regard to the Sports Complex.

Allen Hose, announced topics for Windward Village Homeowners Association meeting.

Larry Boland, spoke in regard to City pensions and pay raises during tight fiscal circumstances.

NOTICE TO THE PUBLIC

All matters listed under the Consent Calendar are to be considered routine by the City Council and will all be enacted by one motion. There will be no separate discussion of said items unless members of the City Council, staff or the public request specific items be discussed and/or removed from the Consent Calendar for separate action. Requests by the public for separate consideration should be made to the Mayor's Office or City Clerk Department prior to the beginning of the Council meeting.

CONSENT CALENDAR: (5 - 16)

5. DEPARTMENT: COMMUNITY DEVELOPMENT

SUBJECT: Revocable Permit with Los Angeles County Department of Children and Family Services for use of City-leased office space at 350 Long Beach Boulevard. (District 1) (Doc. 56)

SUGGESTED ACTION:

Authorize City Manager to execute permit.

ACTION: (As recommended.) (Baker/Carroll) (Unanimous) (Absent: Lowenthal, Kell, Reyes Uranga, Webb)

Speaker: Thomas Murphy.

6. DEPARTMENT: COMMUNITY DEVELOPMENT AND POLICE

SUBJECT: First Amendment to Office Building Lease No. 25822 with Topdanmark (California) Inc. for office premises at 333 West Broadway, Suites 100 and 302, to house the Long Beach Police Department, Community Relations Division and the Internal Affairs Division. (District 1) (Doc. 7)

SUGGESTED ACTION:

Authorize City Manager to execute amendment at the effective monthly rental rate of \$1.52/usable square foot for a term of five years with two options to renew for a period of five years each, by the approval of the City Council.

ACTION: (As recommended.) (Baker/Carroll) (Unanimous) (Absent: Kell)

7. DEPARTMENT: LAW

SUBJECT: Stipulations with Requests for Awards.

SUGGESTED ACTION:

Authorize City Attorney to submit for approval by Workers' Compensation Appeals Board, and if so approved, authority to pay \$21,420 in compliance with Appeals Board order for claim of Juan J. Castro; \$28,560 for claim of LaVerne Patterson; \$9,320 for claim of Javier Ramirez; and \$41,650 for claim of Margaret Sellers. (Docs. 8-11)

ACTION: (As recommended.) (Baker/Carroll) (Unanimous) (Absent: Kell)

8. DEPARTMENT: LAW

SUBJECT: Claim of State Farm Insurance against the City of Long Beach.

SUGGESTED ACTION:

Authorize City Attorney to pay sum of \$7,596.40 in full settlement. (Doc. 12)

ACTION: (As recommended.) (Baker/Carroll) (Unanimous) (Absent: Kell)

9. DEPARTMENT: LAW
SUBJECT: Lawsuit of Linda Matlock against the City of Long Beach.
SUGGESTED ACTION:
Authorize City Attorney to pay sum of \$12,500 in full settlement. (Doc. 13)
ACTION: (As recommended.) (Baker/Carroll) (Unanimous) (Absent: Kell)
10. DEPARTMENT: LAW
SUBJECT: Lawsuit of Deborah Gilmore against the City of Long Beach.
SUGGESTED ACTION:
Authorize City Attorney to pay sum of \$14,000 in full settlement. (Doc. 14)
ACTION: (As recommended.) (Baker/Carroll) (Unanimous) (Absent: Kell)
11. DEPARTMENT: PARKS, RECREATION AND MARINE
SUBJECT: Agreement with SAFECO Insurance Company for donation of a baseball scoreboard to be located in Stearns Champions Park and lease with the Long Beach Little League. (District 4) (Doc. 57)
SUGGESTED ACTION:
Authorize City Manager to execute an agreement with SAFECO accepting the donation and allowing SAFECO to install the donated scoreboard and relocate an existing scoreboard, for a term of 20 years.
Authorize City Manager to execute lease with the Long Beach Little League for a baseball scoreboard located at Stearns Champions Park Field One, for five years with three separate consecutive options to extend at a rent equal to one half of the advertising revenue minus expenses for utility costs and maintenance.
ACTION: (As recommended.) (Carroll/Baker) (Unanimous) (Absent: Lowenthal, Kell, Reyes Uranga, Webb)
12. DEPARTMENT: PARKS, RECREATION AND MARINE
SUBJECT: Second Amendment to Lease No. 25092 between the City and James J. Choura, dba El Dorado Food Services. (District 4) (Doc. 15)
SUGGESTED ACTION:
Authorize City Manager to execute amendment for a term extending through March 31, 2007, and minimum rent of \$6,500 per month, with two, five-year options to extend subject to the approval of the City Council.
ACTION: (As recommended.) (Baker/Carroll) (Unanimous) (Absent: Kell)

13. DEPARTMENT: PUBLIC WORKS

SUBJECT: Subsurface easement to be granted to the Los Angeles County Metropolitan Transportation Authority at 150 Elm Avenue. (District 1) (Doc. 16)

SUGGESTED ACTION:

Authorize City Manager to execute grant of easement for a power line.

ACTION: (As recommended.) (Baker/Carroll) (Unanimous) (Absent: Kell)

14. DEPARTMENT: VARIOUS

SUBJECT: Minutes for filing:

Harbor Commission, June 23, 2003 (Doc. 17)

SUGGESTED ACTION:

Receive and file.

ACTION: (As recommended.) (Baker/Carroll) (Unanimous) (Absent: Kell)

15. DEPARTMENT: CITY CLERK

SUBJECT: Claims for Damages. (Docs. 18-51)

SUGGESTED ACTION:

Refer to City Attorney the following:

Automobile Club of Southern Calif., subrogee for Lynn & Alfonso Beckett-Lemus	\$ 19.02
Beatrice B. Barnett	708.07
Richard Beauchem	5,000.00
Howard K. Brown, Jr.	Amount Unknown
Brutoco Engineering & Construction, Inc. and Safeco Insurance Company of America (Indemnity)	Amount Unknown
Alex Chavez	Amount Unknown
Frances Corral	Amount Unknown
Valerie Crenshaw	Amount Unknown
Gwen and Kyle Driver	2,969.72
Rodney Emison	37,149.86
Leroy Frederick	461.08
Yolanda Gonzalez	Amount Unknown
Fred Jensen	6,490.00
Noreen K. Kerr	2,810.54
Reginald Lasonta Knox	Amount Unknown
Marion D. Lee, Jr.	Amount Unknown
Amy G. Lennen	10,000.00
Joe Lino	1,583.10
Delia Luna	Amount Unknown
Jason Marks	2,500.00

MBIA MuniServices Company	89,036.78
Carriann Phillips	5,000.00
Gladys Reyes	Amount Unknown
Candace A. Robinson/Candace A. Larned Enterprises, Inc.	
Jasmin E. Roman	Amount Unknown
Christian F. Sanchez	Amount Unknown
Elizabeth Scarborough	176,344.00
Cynthia A. Smith	2,654.68
Southern California Edison, 06/02/2003 (File No. 200304304 for S/S Carson)	3,500.00
Christine Trujillo, Guardian Ad Litem of Bryan Tejada	Amount Unknown
Guadalupe E. Villa	300.00
Mary L. Walker	Amount Unknown
Wawanesa Insurance, subrogee for Kimberly Commodore	2,357.65
XO Communications	9,211.40

ACTION: (As recommended.) (Baker/Carroll) (Unanimous) (Absent: Kell)

16. DEPARTMENT: LEGISLATIVE

SUBJECT: Certificates of Recognition for Black Managers Association Scholarships; Manuel E. "Manny" Perez Memorial Scholarships; Afro-Academic, Cultural, Technological and Scientific Olympics; and Long Beach Press Telegram 2003 Male Athlete of the Year. (Docs. 52-55)

SUGGESTED ACTION:

Approve.

ACTION: (As recommended.) (Baker/Carroll) (Unanimous) (Absent: Kell)

SUGGESTED ACTION: CONCUR IN RECOMMENDATIONS ON CONSENT CALENDAR.

UNFINISHED BUSINESS:

17. DEPARTMENT: HEALTH AND HUMAN SERVICES

SUBJECT: Long Beach Early Care and Education Master Plan Task Force. (Citywide)

SUGGESTED ACTION:

Adopt Plan and refer to the Youth Commission, once it has been formed, for information.

ACTION: (As recommended, and additionally referred to Planning and Building Department for Strategic Plan.) (Richardson/Colonna) (Unanimous) (Absent: Kell)

ACTION: (Requested City Attorney to prepare Resolution to continue Federal funding of Head Start Program.) (Reyes Uranga/Carroll) (Unanimous) (Absent: Kell)

17. (Cont'd.) Speakers: Thomas Murphy
Tammy Kyle
Michele Bell
Yvonne Duncan

REGULAR AGENDA

DEPARTMENTAL COMMUNICATIONS:

18. COUNCIL OFFICES: COUNCILMEMBER DAN BAKER, SECOND DISTRICT
COUNCILMEMBER BONNIE LOWENTHAL, FIRST DISTRICT
SUBJECT: Request City Manager to create a Trigger Lock Distribution Program. (Doc. 58)
SUGGESTED ACTION:
Request City Manager to create program.
ACTION: (As recommended.) (Baker/Carroll) (Unanimous) (Absent: Kell,Webb)
Speakers: Robert Hildebrand
Al Dawson
Joanne O'Byrne
Evelyn Knight
19. DEPARTMENT: CITY MANAGER
SUBJECT: Three-Year Financial Strategic Plan Quarterly Update: July 2003. (Doc. 59)
SUGGESTED ACTION:
Refer to Budget Oversight Committee.
ACTION: (As recommended.) (Baker/Carroll) (Unanimous) (Absent: Kell)
Speaker: Thomas Murphy

20. DEPARTMENT: COMMUNITY DEVELOPMENT

SUBJECT: 2003-2004 Action Plan for the use of Community Development Block Grant, Home Investment Partnership Grant and Emergency Shelter Grant Funds. (Citywide) (Doc. 60)

SUGGESTED ACTION:

Approve the City of Long Beach 2003-2004 Action Plan.

Authorize City Manager to execute and submit all necessary documents related to its implementation to the U.S. Department of Housing and Urban Development; and accept \$10,816,380 of CDBG funds, \$5,419,644 of HOME funds, and \$326,000 of ESG funds.

ACTION: (As recommended.) (Webb/Carroll) (Unanimous) (Absent: Kell)

Speaker: Jose Ulloa

21. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Monthly Budget Performance Report - May 2003 Year-to-Date. (Doc. 61)

SUGGESTED ACTION:

Refer to Budget Oversight Committee.

ACTION: (As recommended.) (Reyes Uranga/Richardson) (Unanimous) (Absent: Kell)

22. DEPARTMENT: POLICE

SUBJECT: Application of Paul Angelo Anile and Veronica Anile, dba Mama Tinas Cucina, for a Person-to-Person Transfer of an On-Sale Beer and Wine for Bonafide Eating Place alcoholic beverage license at 329 Pacific Avenue. (District 1) (Doc. 62)

SUGGESTED ACTION:

Receive and file application; or

Request City Clerk to transmit conditions to State Department of Alcoholic Beverage Control as requested by Councilmember.

ACTION: (Received and filed application.) (Lowenthal/Baker) (Unanimous) (Absent: Kell)

23. DEPARTMENT: PLANNING COMMISSION

SUBJECT: Mills Act Historic Property contracts with Rose Towers Condominium Association and individual owners. (District 2) (Doc. 63)

SUGGESTED ACTION:

Authorize City Manager to execute contracts with Rose Towers Association and fifteen condominium owners at 1728 East 3rd Street, a designated historic landmark.

ACTION: (As recommended.) (Baker/Lowenthal) (Unanimous) (Absent: Kell)

Speaker: Thomas Murphy

RESOLUTIONS:

24. DEPARTMENT: LAW

SUBJECT: Resolution supporting State legislative action relating to the State's Workers' Compensation System. (Doc. 64)

SUGGESTED ACTION:

Adopt resolution.

ACTION: (Laid over resolution to July 15, 2003, and requested City Attorney to amend resolution to review and incorporate relevant recommendations of the Chamber of Commerce in addition to addressing significant and differential impacts as relates to public employers.) (Richardson/Carroll) (Unanimous) (Absent: Kell)

Speaker: Matt Kinley

25. Omitted from agenda.

26. DEPARTMENT: PUBLIC WORKS AND COMMUNITY DEVELOPMENT

SUBJECT: Resolution ordering the vacation of a portion of Alamitos Avenue South of Pacific Coast Highway, in the City of Long Beach, County of Los Angeles, State of California pursuant to Chapter 4, Part 3 of Division 9 of the California Street and Highways Code. (District 6) (Doc. 65)

SUGGESTED ACTION:

Adopt resolution ordering the summary vacation of a portion of Alamitos Avenue as shown on Exhibit A.

Request City Attorney to accept a dedication of portions of Block C, Signal Hill Annex, for the widening of the sidewalk along Pacific Coast Highway, the widening of the alley south of Pacific Coast Highway, and the future widening of Pacific Coast Highway, as shown on Exhibit A.

ACTION: (As recommended.) **Adopted Resolution No. C-28203.** (Lowenthal/Baker) (Unanimous) (Absent: Kell)

ORDINANCES:

27. DEPARTMENT: CITY PROSECUTOR

SUBJECT: Ordinance amending Chapter 9.40 of the Long Beach Municipal Code by adding Subsection D to Section 9.40.090 to provide for a domestic partner exemption regarding the forfeiture of vehicles used in soliciting or committing acts of prostitution or illegal drug activity. (Doc. 66)

SUGGESTED ACTION:

Declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading.

ACTION: (As recommended.) (Carroll/Baker) (Unanimous) (Absent: Lowenthal,Kell)

Speaker: Thomas Murphy

28. DEPARTMENT: LAW

SUBJECT: Ordinance amending the Long Beach Municipal Code by adding Section 2.84.020 relating to nondiscrimination in City contracts and purchase orders. (Doc. 67)

SUGGESTED ACTION:

Declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading.

ACTION: (As recommended.) (Baker/Lerch) (Unanimous) (Absent: Lowenthal,Kell)

29. DEPARTMENT: LAW

SUBJECT: Ordinance amending the Long Beach Municipal Code by adding Subsection 94 to Section 10.24.076, relating to the parking of oversized vehicles. (Doc. 68)

SUGGESTED ACTION:

Declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading.

ACTION: (As recommended.) (Baker/Webb) (Unanimous) (Absent: Lowenthal,Kell)

30. DEPARTMENT: LAW

SUBJECT: Ordinance amending the Long Beach Municipal Code by adding Subsections 107 to 111, inclusive, to Section 10.14.020.A, all relating to traffic control. (District 8)

SUGGESTED ACTION:

Declare ordinance read and adopted as read.

ACTION: (As recommended.) **Adopted Ordinance No. C-7861.** (Baker/Webb)
(Unanimous) (Absent: Kell)

NEW BUSINESS:

31. Affidavits of Service for two special meetings of the City Council held July 8, 2003.
(Docs. 1-2)

ACTION: Received and made a part of the permanent record.

Councilmembers made announcements regarding community events.

PUBLIC: IMMEDIATELY PRIOR TO ADJOURNMENT

Opportunity given to citizens to address the City Council on non-agenda items who have not already addressed the City Council on non-agenda items. (Currently limited to three minutes unless extended by City Council.)

Adjournment: 9:08 P.M. (In memory of Mike Murphy, Pastor Harvey Todd, Mary Marguerite Nelson.)

REMINDERS:

Housing Authority at 4:30 P.M.

July 15, 2003, Hearing on Disposition and Development Agreement with Pacific Pallet Company for the sale of Agency-owned property at 2210 West Gaylord Street for a pallet manufacturing and repair business in the West Long Beach Industrial Redevelopment Project Area. (District 1)

July 15, 2003, Hearing on Magnolia Industrial Group Property and Business Improvement District Renewal. (District 1)

July 22, 2003, Hearing on the application of Ayman Maoulawi, dba Aladdin Grill & Café, for a Permit for Entertainment With Dancing at an Existing Bar/Tavern/Lounge at 200 Pine Avenue, No. A. (District 2)

July 22, 2003, Hearing on the application of James West, dba West's Place, for a Permit for Entertainment Without Dancing at an Existing Bar/Tavern/Lounge at 1626 Orange Avenue. (District 6)

July 22, 2003, Hearing on appeal from decision of the Planning Commission to approve a Two-Unit Waived Tentative Parcel Map at 3660 Pacific Avenue. (District 8)

NOTE: An agenda may be obtained from the City Clerk Department prior to the meeting or can be mailed if the City Clerk is provided self-addressed, stamped envelopes mailed to: City Clerk Dept., City Hall Plaza Level, 333 W. Ocean Blvd., Long Beach, CA 90802. You may view the agenda or documents on the Internet at www.longbeach.gov. E-Mail correspondence can be directed to cityclerk@longbeach.gov. Agenda items may be reviewed in the City Clerk Department or the Government Publications Section of the Main Library and at Branch Libraries. Communicate through the Telephone Device for the Deaf (TDD) at (562) 570-6626. If a special accommodation is desired pursuant to the Americans with Disabilities Act, or if you need the agenda provided in an alternate format, please phone Sharon Stone at (562) 570-6938 in the City Clerk Department. Inquire at the City Council Chamber Audio-Visual Room for an assistive listening device.